

Transcript of Subsequent Parole  
Consideration Hearing,  
Board of Prison Terms for Tony Sims  
(July 24, 2002)

SER 75 - 141

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

. BOARD OF PRISON TERMS

In the matter of the Life )  
Term Parole Consideration ) CDC Number C-31090  
Hearing of: )  
TONY SIMS )  
\_\_\_\_\_ )

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

JULY 24, 2002

2:20 P.M.

PANEL PRESENT:

AL ANGELE, Presiding Commissioner  
R. RODRIGUEZ, Deputy Commissioner

OTHERS PRESENT:

TONY SIMS, Inmate  
PATRICK SPARKS, Attorney for Inmate  
DAVE DAHLE, Deputy District Attorney  
JOSEPH JOHNSON, Deputy Commissioner, Observer

CORRECTIONS TO THE DECISION HAVE BEEN MADE

  X   No  
       Yes                      See Errata Sheet

Karin R. Lewis, Capitol Electronic Reporting

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P R O C E E D I N G S

**DEPUTY COMMISSIONER JOHNSON:** We're on the record.

**PRESIDING COMMISSIONER ANGELE:** This is going to be a Subsequent Parole Consideration Hearing for Tony Sims, CDC number C Charles 31090. Today's date is July 24<sup>th</sup>, 2002. The time is approximately 2:20 p.m. We're located at the Correctional Training Facility, Soledad. Inmate received on May 29<sup>th</sup>, 1981, from Los Angeles County, murder in the first degree. Case number A Adam 194636. Count number seven, 187 of the Penal Code, receiving a term of 25 years to life with a minimum eligible parole date of July the 2<sup>nd</sup>, 1994. There are two stayed offenses, robbery, 211 of the Penal Code, same county, same case number, count eight, and armed with a firearm, 12022(a) Adam of the Penal Code, same county, same case number, count eight. Mr. Sims, this hearing is going to be tape-recorded. And for the purpose of voice identification, each of us will state our first and last name, spelling out last name. When it comes to your turn, after you spell your last name, give us your CDC number. I'm going to go to my left. My name is Al Angele, A-N-G-E-L-E,

1 Commissioner, Board of Prison Terms.

2 **DEPUTY COMMISSIONER RODRIGUEZ:** Deputy  
3 Commissioner Rodriguez, R-O-D-R-I-G-U-E-Z,  
4 Board of Prison Terms.

5 **DEPUTY COMMISSIONER JOHNSON:** Joseph  
6 Johnson, J-O-H-N-S-O-N, Deputy Commissioner,  
7 Board of Prison Terms.

8 **DEPUTY DISTRICT ATTORNEY DAHLE:** Dave  
9 Dahle, D-A-H-L-E, Deputy District Attorney,  
10 Los Angeles County.

11 **ATTORNEY SPARKS:** Patrick Sparks,  
12 S-P-A-R-K-S, Attorney for Mr. Sims.

13 **INMATE SIMS:** Tony Sims, S-I-M-S,  
14 C-31090.

15 **PRESIDING COMMISSIONER ANGELE:** Let the  
16 record reflect that there's also two  
17 correctional officers in the room for security  
18 purposes, who will not be participating in  
19 today's hearing. This hearing is being  
20 conducted pursuant to Penal Code Sections 3041  
21 and 3042 and the rules and regulations of the  
22 Board of Prison Terms governing parole  
23 consideration hearings for life prisoners.  
24 The purpose of today's hearing is to once  
25 again consider your suitability for parole.  
26 In doing so, we're going to consider the  
27 crimes you were committed for, your prior

1 criminal and social history and your behavior  
2 and your programming since your commitment.  
3 We've had the opportunity to review your  
4 Central File and your prior transcript and  
5 you'll have the opportunity to correct or  
6 clarify the record. We're going to consider  
7 your progress since your last hearing, any new  
8 psychiatric reports, and any other information  
9 which may have a bearing on your suitability  
10 for parole. Before we recess for  
11 deliberations, the District Attorney, your  
12 attorney and yourself will have the  
13 opportunity to make a final statement  
14 regarding parole suitability. Once that is  
15 concluded, we'll recess, clear the room, and  
16 deliberate. When we have completed our  
17 deliberations, we will resume the hearing and  
18 announce our decision. Pursuant to the  
19 California Code of Regulations, regardless of  
20 time served, the life prisoner shall be found  
21 unsuitable for and denied parole if, in the  
22 opinion of the Panel, that release would pose  
23 an unreasonable risk of danger to others.  
24 Now, you have certain rights. Those rights  
25 include a timely notice of this hearing, a  
26 right to review your Central File and the  
27 right to present relevant documents. Have

1 those rights been met so far, Mr. Sparks?

2 **ATTORNEY SPARKS:** Yes.

3 **PRESIDING COMMISSIONER ANGELE:** The  
4 inmate has an additional right and that's to  
5 be heard by an impartial Panel. Any objection  
6 to either member of this Panel?

7 **INMATE SIMS:** No, I don't.

8 **PRESIDING COMMISSIONER ANGELE:** The  
9 record reflects that you signed BPT form 1073  
10 on April the 16<sup>th</sup> of 2002, which is a  
11 Reasonable Accommodation Notice and Request,  
12 in accordance with the provisions of the  
13 Americans with Disabilities Act, indicating  
14 that you do not have a disability as defined  
15 under the ADA. Is that true?

16 **INMATE SIMS:** Yes.

17 **PRESIDING COMMISSIONER ANGELE:** You  
18 need no accommodation to continue with the  
19 hearing?

20 **INMATE SIMS:** No.

21 **PRESIDING COMMISSIONER ANGELE:** Thank  
22 you. You'll receive a copy of the written,  
23 tentative decision today. That decision  
24 becomes final upon review by Decision Review  
25 in Sacramento. You'll then receive a copy of  
26 the transcript and a copy of the decision.  
27 You'll have 90 days from the effective date to

1 appeal, if you so desire.

2 **INMATE SIMS:** Yes, Sir.

3 **PRESIDING COMMISSIONER ANGELE:** You're  
4 not required to discuss your offense with us.  
5 You're not required to admit your offense.  
6 However, this Panel does accept as true the  
7 findings of the court. Do you understand what  
8 that means?

9 **INMATE SIMS:** Yes, Sir.

10 **PRESIDING COMMISSIONER ANGELE:** Any  
11 confidential material to be used today,  
12 Commissioner Johnson? Commissioner Rodriguez,  
13 excuse me.

14 **DEPUTY COMMISSIONER RODRIGUEZ:** There  
15 will be none used in today's hearing.

16 **PRESIDING COMMISSIONER ANGELE:** Thank  
17 you. I have passed a hearing checklist,  
18 marked Exhibit One to your attorney and to the  
19 District Attorney, to insure that we're all  
20 operating off the same set of documents.  
21 Mr. Dahle, do you have those documents?

22 **DEPUTY DISTRICT ATTORNEY DAHLE:** Yes.

23 **PRESIDING COMMISSIONER ANGELE:**  
24 Mr. Sparks?

25 **ATTORNEY SPARKS:** Yes.

26 **PRESIDING COMMISSIONER ANGELE:** Any  
27 additional documents, other than what you've



1 already submitted, to be submitted?

2 **ATTORNEY SPARKS:** No.

3 **PRESIDING COMMISSIONER ANGELE:** Any  
4 preliminary objections?

5 **ATTORNEY SPARKS:** No.

6 **PRESIDING COMMISSIONER ANGELE:** Will  
7 the inmate be speaking with us today?

8 **INMATE SIMS:** Yes, yes.

9 **ATTORNEY SPARKS:** Yes.

10 **PRESIDING COMMISSIONER ANGELE:** All  
11 right. Then Mr. Sims, would you please raise  
12 your right hand to be sworn. Do you solemnly  
13 swear or affirm that the testimony you give in  
14 today's hearing will be the truth, the whole  
15 truth and nothing but the truth?

16 **INMATE SIMS:** Yes, I do.

17 **PRESIDING COMMISSIONER ANGELE:** Thank  
18 you. If there are no objections, Mr. Sparks,  
19 I would like to incorporate the Statement of  
20 Fact from the appellate decision, pages two  
21 through seven.

22 **ATTORNEY SPARKS:** No objection.

23 **PRESIDING COMMISSIONER ANGELE:**  
24 Mr. Sims, you are serving a prison term,  
25 convicted by court trial, and a conviction  
26 with which withstood an appeal, for the murder  
27 of one Albert Owens at the 7-11 Market. Is

1     that correct?

2                 **INMATE SIMS:**    Yes.

3                 **PRESIDING COMMISSIONER ANGELE:**   Okay.

4     You and, ultimately, three other individuals,  
5     wound up committing this robbery.  Apparently,  
6     a Mr. Coward, C-O-W-A-R-D, came over to your  
7     house and asked you if you knew anybody, of  
8     any place to rob.  You said no.  And you guys,  
9     you got to talking and wound up picking up two  
10    other guys.  That's Mr. Williams and a guy by  
11    the name of Darryl.  Correct?

12                **INMATE SIMS:**    Yes.

13                **PRESIDING COMMISSIONER ANGELE:**   You  
14    wound up going in two separate cars.  Okay.  
15    You were with Mr. Coward and Williams was with  
16    Darryl.  You made a couple of stops at a  
17    couple of places, decided not to rob them for  
18    some reason.

19                **INMATE SIMS:**    Yes.

20                **PRESIDING COMMISSIONER ANGELE:**   Going  
21    to the last place, which was the 7-11 Market,  
22    and the clerk was a Mr. Albert Owens.  
23    Apparently, Mr. Williams took the clerk back  
24    to the back room and made him lie down on the  
25    floor.  And when he complied, apparently,  
26    Mr. Williams had a shotgun and shot the  
27    victim.  Is that correct?

1           **INMATE SIMS:** Yes, Sir.

2           **PRESIDING COMMISSIONER ANGELE:** And if  
3 I'm not mistaken, shot him three times?

4           **INMATE SIMS:** I heard --

5           **PRESIDING COMMISSIONER ANGELE:**  
6 Something like that.

7           **INMATE SIMS:** I wasn't in the room when  
8 he shot him, but I heard three shots. Yes,  
9 Sir.

10          **PRESIDING COMMISSIONER ANGELE:** You  
11 then left and apparently you were given 10  
12 dollars.

13          **INMATE SIMS:** Yes, Sir.

14          **PRESIDING COMMISSIONER ANGELE:** Do you  
15 remember how much the take was on the robbery?

16          **INMATE SIMS:** I think it was 33  
17 dollars. I'm not for sure.

18          **PRESIDING COMMISSIONER ANGELE:** How do  
19 you feel about what happened, Mr. Sims?

20          **INMATE SIMS:** Can I read from this  
21 statement that I have right here?

22          **PRESIDING COMMISSIONER ANGELE:** Go  
23 ahead.

24          **INMATE SIMS:** I would like to say to  
25 the members of this Panel that from the  
26 beginning to this very day, I have never tried  
27 to downplay my role in the case of Mr. Owens.

1 I have never -- excuse me. I believed then,  
2 as I believe today, it was senseless and  
3 wrong. As I recall, Mr. Owens was 22 years of  
4 age, working and going to school, finding his  
5 place in society. I wish I could turn back  
6 the hands of time but that's just wishful  
7 thinking. But I sincerely wish I could. Not  
8 because I'm here, but because it should have  
9 never happened. Mr. Owens is with me daily  
10 and he will remain to be, whether I'm here or  
11 in society. The reason being, I have  
12 experienced three deaths in my family and I  
13 know that that is one of the most devastating  
14 blows anyone can go through. I cannot ask God  
15 to watch over my father and my brothers  
16 without asking him to watch over Mr. Owens, as  
17 well. And I do, as I said, every day. I must  
18 admit to the members of this Panel, as I have  
19 to others, that at one point in my life,  
20 through drugs and low self-esteem, I was  
21 morally and mentally unbalanced. I had to be,  
22 in order to participate in the taking of that,  
23 which only God can give naturally, which is  
24 life. Mr. Owens and his family will forever  
25 remain in my prayers. They have to, because  
26 today, I'm not morally or mentally unbalanced.  
27 Today, I am a drug-free, low self-esteem human

1     being.

2               **PRESIDING COMMISSIONER ANGELE:**   All  
3     right, thank you for your comments.   Where  
4     were you when the shots were fired, Mr. Sims?

5               **INMATE SIMS:**   I was in the front of the  
6     store and by the door.

7               **PRESIDING COMMISSIONER ANGELE:**   Okay.  
8     But you were armed?

9               **INMATE SIMS:**   No, I wasn't.

10              **PRESIDING COMMISSIONER ANGELE:**   You  
11     were not armed.   Or two of you guys were  
12     armed, if I'm not mistaken.

13              **INMATE SIMS:**   Darryl and Mr. Williams.

14              **PRESIDING COMMISSIONER ANGELE:**   Okay.  
15     Williams had a shotgun and Darryl had a --

16              **INMATE SIMS:**   Darryl had a .22  
17     revolver.

18              **PRESIDING COMMISSIONER ANGELE:**   Okay.  
19     Was there any talk?   Did you know they were  
20     armed before you went into the store?

21              **INMATE SIMS:**   The first time I had seen  
22     the shotgun that Stanley had was when he told  
23     us to pull on the -- on the side street to go  
24     in the 7-11 and I told Alfred to tell him that  
25     I didn't want to participate in a robbery.   At  
26     that time, they was parked on the right side  
27     of the street and we was parked on the left

1 side. And I seen him go to the back of the --  
2 back of the stationwagon and pull out the  
3 shotgun and put it in his coat. That was the  
4 first time I'd seen the shotgun.

5 **PRESIDING COMMISSIONER ANGELE:** Okay.  
6 Why did -- why did you proceed then?

7 **INMATE SIMS:** Why did I proceed?

8 **PRESIDING COMMISSIONER ANGELE:** Yeah.

9 **INMATE SIMS:** Because at the time, I  
10 was scared of Mr. Williams and was scared of  
11 what he would have done. As a matter of fact,  
12 what I know he would have done to me.

13 **PRESIDING COMMISSIONER ANGELE:** Now,  
14 they apparently wanted to do some other  
15 robberies after this?

16 **INMATE SIMS:** Yes, they did.

17 **PRESIDING COMMISSIONER ANGELE:** And you  
18 didn't want to participate?

19 **INMATE SIMS:** No, I did not. I told  
20 them to take me home after I had found out  
21 what happened. I had -- when we left the  
22 store and we got on the freeway, Mr. Williams  
23 pulled on the side of me and Alfred and told  
24 us to pull over so he could get some gas and  
25 cigarettes. When we got to the gas station, I  
26 got out of the car and I asked Mr. Williams  
27 what had happened. And he said that he had

1 shot the guy. And I asked him, why did he do  
2 that and he said, because he didn't want to  
3 leave any witnesses. So I told Mr. -- Alfred  
4 to take me home. They was talking about going  
5 to rob some place else. I said, no, take me  
6 home.

7           **PRESIDING COMMISSIONER ANGELE:** I'm  
8 going to go into your prior criminal history  
9 as a juvenile. You had some arrests. You had  
10 a vehicle theft in 1972. You were placed on  
11 six months informal probation. And about a  
12 year, well, over a year and a half later,  
13 grand theft auto. Declared a ward -- a ward  
14 of the court, home on probation. As an adult,  
15 in 1974, LA County Sheriff's, carrying a  
16 concealed weapon, a firearm, 184 days in jail.  
17 The sentence was suspended, three years  
18 probation. A petty theft in '75, with no  
19 disposition. In '75, Inglewood PD, a robbery.  
20 You were not formally charged. Apparently,  
21 false information to a police officer with no  
22 victim of a robbery. On 5/5/75, LAPD,  
23 possession of marijuana. You pled guilty in  
24 Los Angeles, in LA. Two days in jail with  
25 credit for two days served. In 1976, LA  
26 County Sheriff's, visiting where controlled  
27 substances were used. No disposition. In

1 1978, LAPD, burglary, 90 days jail, three  
2 years probation and restitution. Three months  
3 later, Inglewood Police Department, burglary,  
4 malicious mischief, no disposition. What was  
5 the gun charge about, the concealed weapon?

6 **INMATE SIMS:** I had stole a gun from a  
7 friend's house and I was walking down the  
8 alley with it and the police pulled -- I mean,  
9 the officers pulled up behind me. And I had  
10 it in my hand.

11 **PRESIDING COMMISSIONER ANGELE:** You  
12 need to speak up a little bit louder, please.  
13 You had it in your hand?

14 **INMATE SIMS:** Yes. I had it in my  
15 hand.

16 **PRESIDING COMMISSIONER ANGELE:** Okay.  
17 That's kind of a bad place to be having a gun  
18 when the cops come on you.

19 **INMATE SIMS:** Yes, yes.

20 **PRESIDING COMMISSIONER ANGELE:** Did you  
21 -- were you involved in using dangerous drugs  
22 and narcotics?

23 **INMATE SIMS:** Yes, I was.

24 **PRESIDING COMMISSIONER ANGELE:** Were  
25 the burglaries in order to gain funds in order  
26 to purchase dope?

27 **INMATE SIMS:** Yes.



1           **PRESIDING COMMISSIONER ANGELE:**   Okay.

2   You were born in Menden, Louisiana.

3           **INMATE SIMS:**   Yes, Sir.

4           **PRESIDING COMMISSIONER ANGELE:**   On June  
5   22<sup>nd</sup>, 1956.

6           **INMATE SIMS:**   Yes, Sir.

7           **PRESIDING COMMISSIONER ANGELE:**   The  
8   third of 10 children, born to the union of  
9   Robert Sims and the former Louise Grisley,  
10   G-R-I-S-L-E-Y.   The family moved to Los  
11   Angeles when you were about six years old, in  
12   1962.   You had a brother who passed away from  
13   a drug overdose in '78.

14          **INMATE SIMS:**   Yes, Sir.

15          **PRESIDING COMMISSIONER ANGELE:**   Heroin?

16          **INMATE SIMS:**   Yes, Sir.

17          **PRESIDING COMMISSIONER ANGELE:**   Three  
18   other brothers who also have had past  
19   histories of criminal activity are Gary,  
20   Robert and Matthew.

21          **INMATE SIMS:**   No, they're not --  
22   they're not -- Gary is the only one that's  
23   deceased.

24          **PRESIDING COMMISSIONER ANGELE:**   No, I  
25   said they all --

26          **INMATE SIMS:**   Oh, yes.

27          **PRESIDING COMMISSIONER ANGELE:**   -- have

1 a history of criminality.

2 **INMATE SIMS:** Yes, Sir.

3 **PRESIDING COMMISSIONER ANGELE:** Okay.

4 Robert is currently incarcerated at Pelican  
5 Bay, correct? Is he still?

6 **INMATE SIMS:** No, he's in Calipatria.

7 **PRESIDING COMMISSIONER ANGELE:** Okay.

8 And Matthew was recently released from CYA.

9 **INMATE SIMS:** Yes, Sir.

10 **PRESIDING COMMISSIONER ANGELE:** This  
11 was report in October of 2000, so --

12 **INMATE SIMS:** Okay.

13 **PRESIDING COMMISSIONER ANGELE:** -- he's  
14 been out.

15 **INMATE SIMS:** Yes, he's out.

16 **PRESIDING COMMISSIONER ANGELE:** How is  
17 he doing?

18 **INMATE SIMS:** He's doing okay.

19 **PRESIDING COMMISSIONER ANGELE:** He's  
20 okay. All right, you married Patricia while  
21 in LA County Jail in '81. You have since  
22 divorced. One child from that union,  
23 Tanisha (phonetic) and she is probably 25  
24 by now?

25 **INMATE SIMS:** She's 27.

26 **PRESIDING COMMISSIONER ANGELE:** Twenty-  
27 seven, okay. And you also have a son, from

1 another relationship, Tony Sims, Jr.

2 **INMATE SIMS:** Yes, Sir.

3 **PRESIDING COMMISSIONER ANGELE:** Do you  
4 stay in contact with both the son and the  
5 daughter?

6 **INMATE SIMS:** Yes. Yes, I do.

7 **PRESIDING COMMISSIONER ANGELE:** Are you  
8 presently married?

9 **INMATE SIMS:** Yes, I am.

10 **PRESIDING COMMISSIONER ANGELE:** You  
11 are?

12 **INMATE SIMS:** I just got married  
13 January 24<sup>th</sup> of this year.

14 **PRESIDING COMMISSIONER ANGELE:** Okay.  
15 And where does your wife reside? Is this her  
16 letter over here?

17 **INMATE SIMS:** Uh-hmm. She's in Rialto.

18 **PRESIDING COMMISSIONER ANGELE:** We'll  
19 go into your parole plans and make sure  
20 they're still the same. You plan, upon  
21 release, to reside with -- is it a Genia?

22 **INMATE SIMS:** Regenia.

23 **PRESIDING COMMISSIONER ANGELE:** Regina.

24 **INMATE SIMS:** Yeah.

25 **PRESIDING COMMISSIONER ANGELE:** But  
26 does she call herself Genia?

27 **INMATE SIMS:** Genia.

1           **PRESIDING COMMISSIONER ANGELE:**   Okay.

2   G-E-N-I-A.

3           **INMATE SIMS:**   Yes, Sir.

4           **PRESIDING COMMISSIONER ANGELE:**   All  
5   right.   Last name Windham, W-I-N-D-H-A-M.  
6   This has as a girlfriend in 2000, but you just  
7   -- you are now married.

8           **INMATE SIMS:**   Yes, Sir.

9           **PRESIDING COMMISSIONER ANGELE:**   And she  
10   resides in Rialto.

11          **INMATE SIMS:**   Yes, Sir.

12          **PRESIDING COMMISSIONER ANGELE:**   And you  
13   say you intend to seek employment as a  
14   counselor with the Youth Services, a  
15   (indiscernible) organization.

16          **INMATE SIMS:**   Yes, Sir.

17          **PRESIDING COMMISSIONER ANGELE:**   Working  
18   for Mr. Charles Lovely (phonetic), Sr.

19          **INMATE SIMS:**   Yes, Sir.

20          **PRESIDING COMMISSIONER ANGELE:**   Who is  
21   the CEO and Executive Director.   Okay.   We  
22   have some letters of support in your -- in the  
23   file already on you, right?   This is going to  
24   be from your son, Tony Sims, Jr.   He typed  
25   this letter, and not only in Italics but he's  
26   probably done it in about a six font.

27          **INMATE SIMS:**   Yes, Sir.

1           **PRESIDING COMMISSIONER ANGELE:**   So I  
2   can hardly read this.

3           **INMATE SIMS:**   Yes, Sir.

4           **PRESIDING COMMISSIONER ANGELE:**   He  
5   (indiscernible).   My name is Tony.   I am the  
6   son of Tony Sims.

7           **INMATE SIMS:**   It was hard for me to  
8   read it too.

9           **PRESIDING COMMISSIONER ANGELE:**   He says  
10   you made a mistake a long time ago.   Something  
11   about paying for your mistake and he believes  
12   that you've done more than your share and more  
13   than enough years for your mistake.   And wants  
14   everybody to forgive you.   And it's a letter,  
15   obviously, wanting to see you get released  
16   from custody.   The next letter is unsigned,  
17   but it's from Carolyn Windham, and this is  
18   your sister?

19          **INMATE SIMS:**   My sister-in-law.

20          **PRESIDING COMMISSIONER ANGELE:**   Or your  
21   sister-in-law.

22          **INMATE SIMS:**   Yes.

23          **PRESIDING COMMISSIONER ANGELE:**   Okay.  
24   She's writing on behalf of my brother-in-law  
25   and would like to say I've known you for --  
26   known him for about 20 -- or 32 years.   She  
27   can offer you support.   She doesn't have much

1 money, but will offer you love and support.  
2 She believes that it is time that you're given  
3 an opportunity to come home and start a new  
4 life. And it indicates that family is also  
5 waiting to be supportive. The next -- the  
6 next letter is from the Sims' family. And I  
7 can't read the first -- is there somebody in  
8 the family with the initial, starting with the  
9 name of H?

10 **INMATE SIMS:** That's my littlest --  
11 that's my baby sister, Helen. Helen Sims.

12 **PRESIDING COMMISSIONER ANGELE:** Okay.  
13 Helen Sims. She's almost got as small of a  
14 font as your son, but it's a little bigger.  
15 She talks about the time you've spent in  
16 custody and how the family gets together  
17 yearly. Hoping that he can one day get -- be  
18 released. Indicates you're also welcome in  
19 her home. Where is she residing?

20 **INMATE SIMS:** She resides in Inglewood,  
21 California.

22 **PRESIDING COMMISSIONER ANGELE:**  
23 Inglewood?

24 **INMATE SIMS:** Yes, Sir.

25 **PRESIDING COMMISSIONER ANGELE:** It  
26 talks about your past drug abuse and now, how  
27 you are a strong advocate in opposition and

1 are opposed to drugs. They have a host of  
2 family members, including a wife and son, who  
3 will welcome you into their homes. They're  
4 willing to help you in any way possible.  
5 You've submitted some letters today. Here's a  
6 letter from Ms. Genia Sims. This is going to  
7 be your wife.

8 **INMATE SIMS:** She is my wife.

9 **PRESIDING COMMISSIONER ANGELE:** Huh?

10 **INMATE SIMS:** She is my wife.

11 **PRESIDING COMMISSIONER ANGELE:** I said,  
12 I meant to be.

13 **INMATE SIMS:** Okay.

14 **PRESIDING COMMISSIONER ANGELE:** I  
15 didn't mean to say she's going to be one day,  
16 but --

17 **INMATE SIMS:** Yeah.

18 **PRESIDING COMMISSIONER ANGELE:** Okay.  
19 She believes you're a changed man from at  
20 first, when you first went to prison. You've  
21 learned what living in prison means. Now, is  
22 -- do you have a child with her?

23 **INMATE SIMS:** Yes. Tony Sims, Jr.

24 **PRESIDING COMMISSIONER ANGELE:** That's  
25 -- this is Tony Sims' mother then. Okay.

26 **INMATE SIMS:** Right. Yes, Sir.

27 **PRESIDING COMMISSIONER ANGELE:** She

1 (indiscernible) a second chance. Please allow  
2 him to show that he has learned -- what he has  
3 learned from his mistake. And a copy of the  
4 marriage license. The next letter is from  
5 missionary Diane Brown-Davis. She is in San  
6 Bernardino. It's a letter supporting parole.  
7 Apparently, you're cousins-in-law, grew up as  
8 friends. Indicates she believes you're a good  
9 person. She would be glad to support you in  
10 any way necessary, whether it be emotionally,  
11 physically or financially. And also would  
12 assist you in employment stability as well.  
13 And this is -- is it Earlie?

14 **INMATE SIMS:** Earlie.

15 **PRESIDING COMMISSIONER ANGELE:**

16 E-A-R-L-I-E?

17 **INMATE SIMS:** Yes, Sir.

18 **PRESIDING COMMISSIONER ANGELE:**

19 Windham?

20 **INMATE SIMS:** Yes. That's the father  
21 of my wife.

22 **PRESIDING COMMISSIONER ANGELE:** Okay.

23 This is your father-in-law. Last name of  
24 W-I-N-D-H-A-M. He's a pastor at the New  
25 Beginnings Apostle Church, located in Rialto.  
26 He's known you for about 25 years. He said  
27 he's seen your attitude go from a scale of one



1 all of the way up to 10. And he indicates you  
2 have the support from family.

3 **INMATE SIMS:** That one is from my son.

4 **PRESIDING COMMISSIONER ANGELE:** And  
5 this is, I think, the letter I've already  
6 tried to read from your son, Tony.

7 **INMATE SIMS:** Yes, Sir.

8 **PRESIDING COMMISSIONER ANGELE:** Okay.  
9 Anything else, in regards to parole plans?

10 **INMATE SIMS:** No.

11 **ATTORNEY SPARKS:** The -- Mr. Sims has  
12 always had a standing job offer from the  
13 Charles Lovely Youth Center. I just wanted to  
14 put that on the record. Since '93, it's  
15 always been part of the file, that should he  
16 be given a parole date he has that standing  
17 job offer.

18 **PRESIDING COMMISSIONER ANGELE:** Okay.

19 All right. We'll go to post-conviction  
20 factors please, Commissioner Rodriguez.  
21 Before you go to that, we did send out 3042  
22 notices and those are notices that go out to  
23 agencies that have a direct interest in your  
24 case. We have received a reply from the LA  
25 County Sheriff's Department. This is a  
26 letter signed by Frank Merriman, M-E double  
27 R-I-M-A-N, Captain, Homicide Bureau, for Leroy

1 D. Baca, Sheriff. This talks about the  
2 commitment offense. And they indicate that in  
3 the opinion of the department, that parole of  
4 inmate Sims is inappropriate and should be  
5 denied. Any comments?

6 **INMATE SIMS:** No, Sir.

7 **PRESIDING COMMISSIONER ANGELE:** Okay.  
8 Although I have not received anything in  
9 writing, there is a representative here today  
10 from the LA County District Attorney's Office,  
11 who I'm sure will make a statement prior to  
12 the conclusion of this hearing, and now we'll  
13 go to post-conviction factors please,  
14 Commissioner Rodriguez.

15 **DEPUTY COMMISSIONER RODRIGUEZ:** All  
16 right. Good afternoon, Mr. Sims.

17 **INMATE SIMS:** Good afternoon, Sir.

18 **DEPUTY COMMISSIONER RODRIGUEZ:** During  
19 this portion of the hearing, I'll be  
20 addressing what you've done since your last  
21 Board appearance, which will then bring us to  
22 the present. In preparation for this, I've  
23 reviewed your Central File. If there's  
24 anything that I leave out during the portion  
25 of this reading, either you or your attorney  
26 can address it when I'm done. Okay?

27 **INMATE SIMS:** Yes, Sir.

1           **DEPUTY COMMISSIONER RODRIGUEZ:** All  
2 right. Your last Board appearance was  
3 conducted here at Soledad State Prison, CTF,  
4 Soledad. That was on June 21<sup>st</sup>, 2001. At that  
5 time, you were given a one-year denial. The  
6 Board recommended that you remain disciplinary  
7 free and participate in self-help and therapy.  
8 Your current classification score is zero and  
9 you're currently housed as a Level II inmate  
10 on life override. Your current custody is  
11 Medium A. Are you still on the Yard Crew,  
12 sir?

13           **INMATE SIMS:** No. I'm a Porter.

14           **DEPUTY COMMISSIONER RODRIGUEZ:** Okay,  
15 they showed Yard -- well, they referred to  
16 your last Board report, which was in October  
17 of 2000.

18           **INMATE SIMS:** Yes, Sir.

19           **DEPUTY COMMISSIONER RODRIGUEZ:** Oh,  
20 it is right here. Excuse me. I missed that.  
21 Your current position is as a Porter, and  
22 noting satisfactory and above average work  
23 reports. You've been assigned in that  
24 position since August 17<sup>th</sup>, 2001. Correct?

25           **INMATE SIMS:** Yes, Sir.

26           **DEPUTY COMMISSIONER RODRIGUEZ:** And  
27 your prior assignment was as Yard Worker?

1           **INMATE SIMS:** Yes, Sir.

2           **DEPUTY COMMISSIONER RODRIGUEZ:** All  
3 right. I do note that you completed your GED  
4 in March of '89 at CCI in Tehachapi.

5           **INMATE SIMS:** Yes, Sir.

6           **PRESIDING COMMISSIONER ANGELE:** You did  
7 complete the vocational Data Processing in  
8 February of 2001.

9           **INMATE SIMS:** Yes, Sir.

10          **DEPUTY COMMISSIONER RODRIGUEZ:** You've  
11 also completed vocational Computers. Is that  
12 correct?

13          **INMATE SIMS:** Yes, Sir.

14          **DEPUTY COMMISSIONER RODRIGUEZ:** In  
15 1992. And also, vocational Silk Screening in  
16 1992.

17          **INMATE SIMS:** Excuse me. The Silk  
18 Screening, I completed Silk Screening in '92  
19 and vocational Computers in '95 and vocational  
20 Computers [sic] in 2000 --

21          **DEPUTY COMMISSIONER RODRIGUEZ:** And  
22 one.

23          **INMATE SIMS:** Right.

24          **DEPUTY COMMISSIONER RODRIGUEZ:** Okay,  
25 right.

26          **INMATE SIMS:** Yeah.

27          **DEPUTY COMMISSIONER RODRIGUEZ:** So in

1 '92, '95, and 2001.

2 **INMATE SIMS:** Yes, Sir.

3 **DEPUTY COMMISSIONER RODRIGUEZ:** I've  
4 got it. Okay. Thank you. You have been  
5 active in the NA Program. You've also  
6 completed the 12-Step Program. Do you  
7 practice the 12-Steps?

8 **INMATE SIMS:** Yes, I do.

9 **DEPUTY COMMISSIONER RODRIGUEZ:** Can you  
10 tell me what step number eight is?

11 **INMATE SIMS:** I'm kind of nervous.

12 **PRESIDING COMMISSIONER ANGELE:** Just  
13 relax.

14 **INMATE SIMS:** You kind of caught me off  
15 guard.

16 **DEPUTY COMMISSIONER RODRIGUEZ:** Let me  
17 help you out, Mr. Sims.

18 **INMATE SIMS:** Yes, Sir.

19 **DEPUTY COMMISSIONER RODRIGUEZ:** If you  
20 had to make a list of all the people you've  
21 ever hurt --

22 **INMATE SIMS:** Yes, Sir.

23 **DEPUTY COMMISSIONER RODRIGUEZ:** -- who  
24 would be at the top of that list?

25 **INMATE SIMS:** Those people that I've  
26 harmed. That I've brought harm to.

27 **DEPUTY COMMISSIONER RODRIGUEZ:** Is

1     there a number -- a number of them?

2             **INMATE SIMS:**   All of them.   All the  
3     people I've harmed.   I'm sorry I can't --

4             **DEPUTY COMMISSIONER RODRIGUEZ:**   Oh, no.

5             **INMATE SIMS:**   -- repeat it right now.  
6     My mind is (indiscernible).

7             **DEPUTY COMMISSIONER RODRIGUEZ:**   Just  
8     relax.   No, no, that's why I just asked you.  
9     You also, and again, you have chronos showing  
10    that you're currently participating in NA and  
11    did complete the 12-Step Program.   You have a  
12    current chrono, February 20<sup>th</sup>, 2002, noting  
13    that you did complete an Anger Management  
14    course.

15            **INMATE SIMS:**   Yes, Sir.

16            **DEPUTY COMMISSIONER RODRIGUEZ:**   You've  
17    also completed, in 2001, the Impact Program  
18    here at Soledad.

19            **INMATE SIMS:**   Yes, Sir.

20            **DEPUTY COMMISSIONER RODRIGUEZ:**   That's  
21    that 14-week program.

22            **INMATE SIMS:**   Yes, Sir.

23            **DEPUTY COMMISSIONER RODRIGUEZ:**   What  
24    did you get out of it?

25            **INMATE SIMS:**   It's a very -- it's a  
26    very good program.   I recommend it for  
27    everybody.

1           **DEPUTY COMMISSIONER RODRIGUEZ:** Yeah,  
2   that's Kathy Garrett's program, correct?

3           **INMATE SIMS:** Yes. Yes, it is. It  
4   puts a face on everything on -- it puts a face  
5   on the victims --

6           **DEPUTY COMMISSIONER RODRIGUEZ:** On the  
7   victims.

8           **INMATE SIMS:** -- so you can get to  
9   understand their point of view and you see the  
10   pain. Yeah, it's a good -- it's a good --

11          **DEPUTY COMMISSIONER RODRIGUEZ:** So you  
12   have a better understanding now, huh?

13          **INMATE SIMS:** Yes, I do.

14          **DEPUTY COMMISSIONER RODRIGUEZ:** You --  
15   as far as disciplinary history, you've had a  
16   total, since incarcerated, a total of seven  
17   CDC 115s. The last one was -- occurred on  
18   November 12<sup>th</sup>, 1989. And that was at CCI,  
19   Tehachapi, which was for fighting.

20          **INMATE SIMS:** Yes, Sir.

21          **DEPUTY COMMISSIONER RODRIGUEZ:** You  
22   have a total of three CDC 128(a) counseling  
23   chronos. The last one was at -- also at  
24   Tehachapi and that was on May 24<sup>th</sup>, 1999. And  
25   that was for window coverings. You had towels  
26   on --

27          **INMATE SIMS:** Yes, Sir.

1           **DEPUTY COMMISSIONER RODRIGUEZ:** -- to  
2 keep out the light and stuff. Right?

3           **INMATE SIMS:** Yes, Sir.

4           **DEPUTY COMMISSIONER RODRIGUEZ:** While  
5 you sleep.

6           **INMATE SIMS:** Yes, Sir.

7           **DEPUTY COMMISSIONER RODRIGUEZ:** Okay.  
8 Does everything I've read appear correct to  
9 you?

10          **INMATE SIMS:** Yes, Sir.

11          **DEPUTY COMMISSIONER RODRIGUEZ:** Okay.  
12 Go ahead.

13          **INMATE SIMS:** Okay. I was going to do  
14 the number eight step, but I -- it was in my  
15 mind and it went away again.

16          **DEPUTY COMMISSIONER RODRIGUEZ:** Well,  
17 I'll tell you, it's very close and if it comes  
18 back to you, kind of raise your hand and --

19          **INMATE SIMS:** Okay.

20          **DEPUTY COMMISSIONER RODRIGUEZ:** All  
21 right?

22          **INMATE SIMS:** All right.

23          **DEPUTY COMMISSIONER RODRIGUEZ:** Thank  
24 you. All right, going to the Correctional  
25 Counselor's recommendation, this is for the  
26 July 2002 Board report. The author of this  
27 report is the initial S. Arno, A-R-N-O,



1 Correctional Counselor I. This was completed  
2 at Soledad State Prison. Going to page two of  
3 that report, under the heading of Summary, it  
4 says:

5 "Considering the commitment  
6 offense, prior record and prison  
7 adjustment, this writer believes  
8 Sims would pose a low degree of  
9 threat to the public at this time,  
10 if released from prison. Should  
11 Sims return to using drugs, this  
12 writer believes his degree of  
13 threat to the public would be  
14 higher, because he was under the  
15 influence of PCP at the time of  
16 the instant offense."

17 Going to the psych report, and a psych report  
18 has not been completed since 1999. One was  
19 not requested. So, going back to the 1999  
20 report, that was completed here at Soledad  
21 State Prison. It's a five-page report. The  
22 date of that report is July 13<sup>th</sup>, 1999. Turn  
23 the tape. Are we okay? All right. Again,  
24 the date of that report is July the 13<sup>th</sup> of  
25 1999. The author of that report is Joe Reed,  
26 R-E-E-D, Staff Psychologist. I'm not going to  
27 read that report in it's entirety but I will

1 address areas of that report or of concern.  
2 Under the second page, under heading Substance  
3 Abuse History, it addresses your use of PCP.  
4 Did you get pretty well strung out on PCP?

5 **INMATE SIMS:** Yes, I was.

6 **DEPUTY COMMISSIONER RODRIGUEZ:** And it  
7 notes that you are still active in NA. Going  
8 to page three, Plans if Granted Release, that  
9 his prognosis for successful community living  
10 is good. Axis I, PCP Abuse, in sustained,  
11 full remission in a controlled environment.  
12 Barbiturate Abuse, in sustained, full  
13 remission in a controlled environment. Axis  
14 II, no contributory personality disorder.  
15 Axis III, no contributory psychological or  
16 physical disorder.

17 "His current level of insight  
18 and judgment is good and supports  
19 a positive prediction of  
20 successful adaptation to community  
21 living."

22 Going to page four, under heading, Review of  
23 Life Crime:

24 "Inmate Sims describes the  
25 circumstances surrounding his  
26 commitment offense and accepted  
27 full responsibility for the crime.

1           He showed sincere empathy towards  
2           his victims and seemed genuinely  
3           penitent for his crime."

4   Under Assessment of Dangerousness:

5           "His violence potential within a  
6           controlled setting is considered  
7           to be well below average, relative  
8           to this Level II inmate  
9           population."

10   That's under A. Under B, if released to the  
11   community -- excuse me. This is still under  
12   A. Therefore, in light of the factors, his  
13   violence potential is considered to be well  
14   below average. Under B, if released to the  
15   community, his violence potential is  
16   considered to be no more than the average  
17   citizen in the community. At this time, I'll  
18   return to the Chair.

19           **PRESIDING COMMISSIONER ANGELE:** Thank  
20   you. We're going to go back into your  
21   substance abuse. Your drug of choice was PCP?

22           **INMATE SIMS:** Yes, it was.

23           **PRESIDING COMMISSIONER ANGELE:** Were  
24   you snorting it or just smoking the sherms?

25           **INMATE SIMS:** The sherm.

26           **PRESIDING COMMISSIONER ANGELE:** And how  
27   about the barbiturates?

1           **INMATE SIMS:** Yeah, I used to use them  
2 from time to time, but mostly --

3           **PRESIDING COMMISSIONER ANGELE:** What  
4 were you doing?

5           **INMATE SIMS:** Truinals (phonetic).

6           **PRESIDING COMMISSIONER ANGELE:**  
7 Rainbows?

8           **INMATE SIMS:** I don't know what those  
9 are.

10          **PRESIDING COMMISSIONER ANGELE:**  
11 Truinal.

12          **INMATE SIMS:** Oh, Truinals.

13          **PRESIDING COMMISSIONER ANGELE:** Red and  
14 blue?

15          **INMATE SIMS:** And Red Devils.

16          **PRESIDING COMMISSIONER ANGELE:** Yeah,  
17 you were doing reds?

18          **INMATE SIMS:** Yeah. Bennies.

19          **PRESIDING COMMISSIONER ANGELE:** Mini-  
20 bennies or pharmaceutical?

21          **INMATE SIMS:** I wouldn't know the  
22 difference. And that's about it, as far as  
23 pills are concerned.

24          **PRESIDING COMMISSIONER ANGELE:** How  
25 much were you using, as far as the pills?

26          **INMATE SIMS:** The pills, they wasn't  
27 really that often, but the PCP was pretty much

1 every day.

2 **PRESIDING COMMISSIONER ANGELE:** Okay.

3 Did you ever develop any flashbacks from the  
4 PCP?

5 **INMATE SIMS:** No. Thank God, no.

6 **PRESIDING COMMISSIONER ANGELE:** Okay.

7 **INMATE SIMS:** No.

8 **PRESIDING COMMISSIONER ANGELE:**

9 Anything else? Cocaine?

10 **INMATE SIMS:** I've tried it.

11 **PRESIDING COMMISSIONER ANGELE:** Okay.

12 **INMATE SIMS:** I didn't like it.

13 **PRESIDING COMMISSIONER ANGELE:** Have

14 you ever tried heroin?

15 **INMATE SIMS:** Tried it, didn't like it.

16 **PRESIDING COMMISSIONER ANGELE:** Snorted  
17 it or skin pop?

18 **INMATE SIMS:** I snorted it.

19 **PRESIDING COMMISSIONER ANGELE:** You  
20 snorted it?

21 **INMATE SIMS:** Uh-hmm.

22 **PRESIDING COMMISSIONER ANGELE:** Okay.  
23 Alcohol?

24 **INMATE SIMS:** Yes, but not alcoholic.  
25 Yes -- but yeah.

26 **ATTORNEY SPARKS:** If I could, Deputy  
27 Commissioner Rodriguez didn't give an

1 opportunity for Mr. Sims to give additional  
2 data. He just returned to the Chair before we  
3 could add some additional parts to the --

4 **DEPUTY COMMISSIONER RODRIGUEZ:** Well, I  
5 asked him if it was all correct to him. And  
6 he didn't say anything.

7 **ATTORNEY SPARKS:** Having it be all  
8 correct is different than --

9 **DEPUTY COMMISSIONER RODRIGUEZ:** Well,  
10 he --

11 **ATTORNEY SPARKS:** -- do you have  
12 anything else that you would like to add.

13 **DEPUTY COMMISSIONER RODRIGUEZ:** If  
14 there's anything you have to add -- and I did  
15 say, if you remember, if --

16 **ATTORNEY SPARKS:** Right, yeah.

17 **DEPUTY COMMISSIONER RODRIGUEZ:** At the  
18 end of my reading --

19 **ATTORNEY SPARKS:** I just --

20 **DEPUTY COMMISSIONER RODRIGUEZ:** -- you  
21 could have said something.

22 **ATTORNEY SPARKS:** No, I --

23 **DEPUTY COMMISSIONER RODRIGUEZ:** But  
24 that's fine.

25 **ATTORNEY SPARKS:** I just didn't get a  
26 chance to --

27 **PRESIDING COMMISSIONER ANGELE:** We'll

1 give you that chance.

2 **ATTORNEY SPARKS:** It slid away before I  
3 got a chance there.

4 **DEPUTY COMMISSIONER RODRIGUEZ:** Go for  
5 it.

6 **ATTORNEY SPARKS:** He completed  
7 Infectious Disease class in '98. I think you  
8 did mention that. He completed, in '97, a  
9 Clarification and Responsibility Development  
10 Group. He's been active and had a commendable  
11 role in many youth programs at several of the  
12 different prisons. He completed a Garment  
13 Finishing in '97. And he has, also, skills as  
14 a vocational Machinist, which he had been  
15 involved with in '96. Those were additional  
16 things that he had also completed. Thank you.

17 **PRESIDING COMMISSIONER ANGELE:** Any  
18 questions, Commissioner Rodriguez?

19 **DEPUTY COMMISSIONER RODRIGUEZ:** Yeah, I  
20 do have a question. Mr. Sims, you stated that  
21 the reason you went through with this robbery,  
22 because you feared which gentleman?

23 **INMATE SIMS:** Mr. Williams.

24 **DEPUTY COMMISSIONER RODRIGUEZ:**

25 Mr. Williams. You said he was pretty bad  
26 and --

27 **INMATE SIMS:** Yes. I feared him at

1 that particular time. Yes, I did.

2 **DEPUTY COMMISSIONER RODRIGUEZ:** Then  
3 why weren't you afraid enough, or actually,  
4 why didn't you go with him to complete the  
5 other robberies?

6 **INMATE SIMS:** No. I did not go.

7 **DEPUTY COMMISSIONER RODRIGUEZ:** No, I'm  
8 saying, why didn't you?

9 **INMATE SIMS:** Why didn't I? I --

10 **DEPUTY COMMISSIONER RODRIGUEZ:** Yeah,  
11 you were scared the one time when -- you know.  
12 But yet, you weren't scared later to --

13 **INMATE SIMS:** Yeah.

14 **DEPUTY COMMISSIONER RODRIGUEZ:** -- just  
15 walk away.

16 **INMATE SIMS:** I don't know. I think  
17 after he told me what happened, I think I was  
18 so disgusted about it, to where I just didn't  
19 think about it. Just take me home. Let me go  
20 home.

21 **DEPUTY COMMISSIONER RODRIGUEZ:** No  
22 further questions. Any questions?

23 **DEPUTY COMMISSIONER JOHNSON:** No.

24 **DEPUTY COMMISSIONER RODRIGUEZ:** Return  
25 to the Chair.

26 **PRESIDING COMMISSIONER ANGELE:**  
27 Questions from the District Attorney,



1 Mr. Dahle.

2 **DEPUTY DISTRICT ATTORNEY DAHLE:** Yes.

3 Ask Mr. Sims to tell us what happened on the  
4 aborted attempt to rob a Stop 'N' Go Market  
5 before this shooting incident took place.

6 **INMATE SIMS:** We stopped at one store  
7 -- no, we stopped at a -- at a restaurant.  
8 The first store -- the first place that we  
9 stopped was at a restaurant.

10 **PRESIDING COMMISSIONER ANGELE:** Do you  
11 want him to talk specifically about the Stop  
12 'N' Go -- Stop 'N' Go Market?

13 **INMATE SIMS:** Just the --

14 **DEPUTY DISTRICT ATTORNEY DAHLE:** Yes.

15 **INMATE SIMS:** -- Stop 'N' Go?

16 **PRESIDING COMMISSIONER ANGELE:** The  
17 Stop 'N' Go Market.

18 **DEPUTY DISTRICT ATTORNEY DAHLE:** Some  
19 type of market prior to --

20 **PRESIDING COMMISSIONER ANGELE:** Some  
21 sort of a market.

22 **INMATE SIMS:** Prior to the Stop 'N' Go  
23 Market, it was a store --

24 **DEPUTY COMMISSIONER RODRIGUEZ:** Let's  
25 pause.

26 **PRESIDING COMMISSIONER ANGELE:** We're  
27 going to pause for a second please.

1           **DEPUTY COMMISSIONER RODRIGUEZ:** I'll  
2 put this on pause for a minute, until that  
3 goes off.

4           **INMATE SIMS:** Williams -- oh, okay.  
5                           [Off the record.]

6           **DEPUTY COMMISSIONER RODRIGUEZ:** Go  
7 ahead and repeat it.

8           **DEPUTY COMMISSIONER JOHNSON:** We're  
9 back on the record. Go ahead and repeat it.

10          **INMATE SIMS:** Okay, it was a store that  
11 Mr. Williams had -- we had pulled over to and  
12 Mr. Williams told me and Darryl to go in the  
13 store and rob the store. We went in the  
14 store. And I didn't want to rob the store, so  
15 when we went in the store, I tried to come up  
16 with any reason that I could, in order not to  
17 have the robbery take place. So when we went  
18 in the store, we were standing in the front of  
19 the store. And I just blurted out of my mouth  
20 that it's not -- it's not -- it's not cool to  
21 rob the store. And Mr. Williams -- I mean,  
22 Darryl, turned around and we just walked back  
23 out the door. And that's when we got back in  
24 the car, we told Mr. Williams what happened  
25 and that's when he made the statement that the  
26 next store that we come to, everybody is going  
27 in.

1           **DEPUTY DISTRICT ATTORNEY DAHLE:** Why  
2 did you hang out with Mr. Williams when you  
3 were fearful of him?

4           **INMATE SIMS:** Well, I didn't really  
5 hang out with Mr. Williams. I was more  
6 friends with Alfred. Even though I knew  
7 Mr. Williams, but not to the -- to the point  
8 that I knew Mr. Coward. But he had a  
9 reputation in the neighborhood where there  
10 wasn't too many people who wasn't afraid of  
11 him. But as I said earlier, I thought since  
12 Alfred knew him better than I did and I didn't  
13 see Alfred as really being afraid of him, is  
14 the reason why I told Alfred to tell him that  
15 I didn't want to participate in the robbery.  
16 That we didn't want to participate in a  
17 robbery.

18           **DEPUTY DISTRICT ATTORNEY DAHLE:** Isn't  
19 it true you had grown up with Mr. Williams  
20 since age 14?

21           **INMATE SIMS:** Not, I wouldn't say,  
22 grew up with him. But being in the same  
23 community, knowing of him, about since I was  
24 16.

25           **DEPUTY DISTRICT ATTORNEY DAHLE:** So why  
26 didn't you stay away from him?

27           **INMATE SIMS:** As I said before, I

1 wasn't hanging around with him on a regular  
2 basis. As a matter of fact, the night that  
3 the robbery -- the incident took place with  
4 Mr. Owens, I didn't even know that  
5 Mr. Williams then was in the car, at first. I  
6 didn't know they was in the car until I walked  
7 out to the car with Alfred to get in.

8 **DEPUTY DISTRICT ATTORNEY DAHLE:** I have  
9 no other questions. Thank you.

10 **PRESIDING COMMISSIONER ANGELE:**  
11 Questions of your client, Mr. Sparks?

12 **ATTORNEY SPARKS:** No.

13 **PRESIDING COMMISSIONER ANGELE:** We'll  
14 go into closing, please, Mr. Dahle.

15 **DEPUTY DISTRICT ATTORNEY DAHLE:** Thank  
16 you. On behalf of Los Angeles County, I ask  
17 this Panel, after deliberations, find that  
18 Mr. Sims still poses an unreasonable risk to  
19 the community if you were to release him on  
20 parole at this time. Mr. Sims was a  
21 participant with three other individuals in a  
22 robbery in which the victim was mercilessly  
23 executed by a crime partner in a back room of  
24 a store, where he was the single employee in  
25 the early morning hours, by two rounds from a  
26 shotgun, both into the back. These  
27 individuals gained a monumental hundred and

1 some dollars in the course of their robbery.  
2 Mr. Owens lost everything in that act. The  
3 participant, those people completely involved  
4 in this act, who shared in the take from it,  
5 bear the total responsibility for what took  
6 place. I have tremendous concern and empathy  
7 for the family. And I find it somewhat  
8 offensive that the support letters here refer  
9 to this as a quote, mistake. This was not a  
10 mistake. This was a violent criminal act,  
11 which took four people to commit. They had  
12 gone to one location and rejected it because  
13 there were two employees. They found a  
14 vulnerable single victim and then went along  
15 and snuffed out that individual's life.  
16 Twenty-one years is a significant period of  
17 time. But in comparison to what Mr. Owens  
18 has lost, it is a drop in the bucket. His  
19 family doesn't have him with them. He has no  
20 ability to improve his life, to make change in  
21 his life. Mr. Sims has had that right, to  
22 breathe anew every morning, to see the sun  
23 rise, and to see the sun set. That's  
24 something the victim has not had. In this  
25 particular case, Mr. Sims indicates his  
26 motivation was fear from Mr. Williams. I  
27 believe that the motivation here still remains

1 an entrenched lifestyle which involved abusive  
2 behavior, including the abuse of controlled  
3 substances. One of the most dangerous  
4 controlled substances we know of,  
5 Phencyclidine, PCP, is what played a  
6 significant role in Mr. Sims' conduct here.  
7 And his connection with that comes from the  
8 individuals with whom he had associated at the  
9 time. The unspeakable acts that he was  
10 responsible for, even though not personally  
11 committing, still did not affect his  
12 willingness to accept 10 dollars as the take  
13 from this particular robbery. Even though he  
14 went no further with any additional attempts  
15 to rob people. In my mind, Mr. Sims received  
16 the greatest of all possible gifts when he was  
17 sentenced by the court to life without the  
18 possibility of parole. Ironically, that law  
19 was struck down. And his sentence was changed  
20 to life with the possibility of parole. That  
21 notwithstanding, the Supreme Court then  
22 released its position on (indiscernible) years  
23 later. The unfortunate aspects of this is  
24 that the inmate is entitled to the guarantees  
25 of the constitution, that he is not subject  
26 again to a change in his sentencing law and be  
27 returned to life without the possibility of

1 parole. But the conduct that he stands  
2 convicted of here, his willingness to  
3 participate, is a significant question mark.  
4 Particularly with the reflection of the drug  
5 abuse that he involved himself in with  
6 Phencyclidine. And as is noted in the  
7 psychiatric -- I'm sorry, the Board report,  
8 Mr. Sims, while he poses as a low degree of  
9 risk at this time, were he to return to the  
10 use or abuse of controlled substances, he  
11 would be a significantly higher risk. The  
12 fact of the matter is, there is no current  
13 present day psychiatric assessment of  
14 Mr. Sims. We're operating off of a 1999. I  
15 think it would be ill advised for this Panel,  
16 to, based on a three-year old Board report  
17 [sic], to determine that he is psychologically  
18 suitable for parole at this time. I believe  
19 that further self-help and therapy is  
20 necessary to address the causative factors,  
21 particularly, his judgment and decision-  
22 making. And how he chose his friends and  
23 made his decisions to engage in a lifestyle  
24 that involved significant drug abuse. And the  
25 use and association with people who used  
26 weapons. For these reasons, I ask that after  
27 your due consideration, you deny parole.

1 Thank you.

2 **PRESIDING COMMISSIONER ANGELE:** All  
3 right. Mr. Sparks, closing, please.

4 **ATTORNEY SPARKS:** I appreciated the  
5 District Attorney's comment -- Deputy District  
6 Attorney's comments with regard to the insight  
7 of the jurisdictional aspects of Mr. Sims  
8 case. In particular, the ideas of life  
9 without the possibility of parole and life  
10 with the possibility of parole, which is what,  
11 ultimately, Mr. Sims has, is life with the  
12 possibility of parole. And the legislature  
13 did indicate some guidelines, in terms of the  
14 matrix, as to what would be a suitable amount  
15 of time, should he be found suitable for  
16 parole for him to do as far as time goes.  
17 That being said, the Panel certainly has the  
18 opportunity to evaluate and get a decision  
19 based upon the circumstances of the offense.  
20 And what Mr. Sims' participation was and how  
21 big a role Mr. Sims played in the commission  
22 of this crime has been noted as one of the  
23 mitigating circumstances by previous  
24 Correctional Counselors. Previous  
25 Correctional Counselors have noted that  
26 Mr. Sims had no apparent predisposition to  
27 commit the crime but was induced by others to



1 participate in its commission. And that Mr.  
2 Sims has a minimal history of criminal  
3 behavior. Clearly, those are offsets to the  
4 aggravating circumstances that the District  
5 Attorney's Office would argue, in terms of the  
6 nature of the crime. And I think that the  
7 District Attorney's argument, in conjunction  
8 with the Sheriff's Office, which are  
9 opposition to parole here today, talk about  
10 Mr. Sims --

11 **DEPUTY COMMISSIONER JOHNSON:** Let me  
12 pause to change the tape.

13 [Thereupon, the tapes  
14 were turned over.]

15 **DEPUTY COMMISSIONER JOHNSON:** Side two  
16 of the tape. Continue, Mr. Sparks.

17 **ATTORNEY SPARKS:** The Sheriff's Office  
18 and the Deputy District Attorney's Office  
19 talk about Mr. Sims in relationship to this  
20 crime as the type of crime in which they  
21 believe, it's apparent by their statements,  
22 that Mr. Sims should never be found suitable  
23 for parole. In the sense that he should be  
24 doing life without the possibility of parole  
25 just based upon the nature of the crime  
26 itself. While I may be taking some liberty  
27 there, I think that if you had the Sheriff

1 continue to write, year after year after year  
2 after year after year the same thing, and the  
3 Deputy District Attorneys come in and argue  
4 the same thing, year after year after year,  
5 and in fact, that's in essence, what you get  
6 in reality. And I don't -- I don't disagree  
7 with that, per se, because it seems as if the  
8 public opinion has moved towards stiffer and  
9 stiffer penalties for crimes like this.  
10 However, that just wouldn't be fair to  
11 Mr. Sims. Mr. Sims came in and now has life  
12 with the possibility of parole. And the  
13 question becomes, does he pose an unreasonable  
14 risk of danger to the community? I don't  
15 think it's a matter of whether or not you can  
16 say it's all about the crime. I just don't  
17 see that to be the case at all. In fact, one  
18 of the mitigating circumstances, according to  
19 Title 15, is that he was only 18 at the time  
20 of this offense. And when the mitigating  
21 circumstance looks at whether or not he could  
22 have been induced into this crime by someone  
23 who, like Mr. Williams, was known in the  
24 community to be someone that was the difficult  
25 person in the community, then in fact, he  
26 probably -- his statements about that are  
27 indicative of the same thing. That, in fact,

1 Mr. Sims participation was not to the scope  
2 where it was his intent to go out and do this  
3 crime to this -- to the extent where -- well,  
4 I can't argue around the crime. I mean,  
5 obviously, it was a lifetime ago for Mr. Sims.  
6 He came into custody at the -- in '79, he came  
7 into custody. He started doing time in '81.  
8 But he had been in custody and he -- that was  
9 double his lifetime ago. So he's spent a  
10 whole, full life now in prison. And that's a  
11 long time for anybody, clearly. Mr. Sims has  
12 not wasted his time in prison. He's completed  
13 a significant amount of self-help and therapy  
14 programming. Completing Life Skills, Impact,  
15 Anger Management, Clarification and  
16 Responsibility Development Group and  
17 addressing his drug abuse and problems in the  
18 community that started at the age of 12. He  
19 continues to participate in NA and in '98, he  
20 completed a Chemical Dependency Recovery  
21 Group. These things are important to note  
22 because Mr. Sims has tried and is doing the  
23 things that would show that he's gained in  
24 maturity and growth and would not pose an  
25 unreasonable risk of danger. His recidivism  
26 in the community would be extremely low.  
27 What's more important than that is the idea

1     that, how he shows his maturity and growth is  
2     that he's been active and had a commendable  
3     role in youth programs. And not just done it  
4     at one prison, but at several prisons, since  
5     1993, when he was selected -- selected to be a  
6     participant in the Juvenile Diversion Program.  
7     It's not just anyone that, in the institution  
8     can become someone that's a role model or  
9     someone to actually help the juvenile  
10    offenders who are coming in and are at risk.  
11    And it's not just anyone who wants to do that.  
12    When Mr. Sims has chosen to try and do some of  
13    that, it's showing that, the maturity and  
14    growth that has been a part of his growing --  
15    or his part of institutional maturity is  
16    clear. To his discredit, he has had a total  
17    of seven 115s and six of them were serious,  
18    but they did stop in 1989. So for now, he's  
19    been 13 years disciplinary free. He's  
20    expressed his feelings about the crime, which  
21    show genuine remorse for the victim. And it's  
22    been clear from the profile of all the  
23    reports, in the psychological and the  
24    correctional counselor's report. The  
25    correctional counselor's report for today is  
26    favorable, in that he would pose only a low  
27    degree of threat to the community, if given a

1 release date. The psychological report is  
2 also favorable, in that his insight and  
3 judgment are good. And his violence potential  
4 is no more than an average citizen, if  
5 returned to the community. He's completed the  
6 necessary vocational skills to show that he  
7 could be employable in the community. And  
8 again, enhances his ability to not return to  
9 prison by completing Data Processing, Silk  
10 Screening, Computer. And that also in the  
11 community, understands the nature of  
12 infectious diseases, in completing that as  
13 well. He also has skills as a Machinist and  
14 in Garment Finishing. It should be obvious to  
15 everyone here that Mr. Sims has done the  
16 things necessary to show that he's  
17 institutionally rehabilitated himself. He's  
18 rehabilitated himself as well, in terms of the  
19 crime, in complete admission about his role  
20 and responsibility in talking about the crime.  
21 And his sincerity with regards to remorse for  
22 the victim. While it's true that the victim  
23 can't come back and he did suffer, Mr. Sims is  
24 also suffering. And there's a point in time  
25 where it becomes clear that he has rights as  
26 well. He has a standing job offer in the  
27 community. His parole plans are reasonable.

1 He has strong family support, which will allow  
2 him to transition back into the community. I  
3 believe that Mr. Sims should be found suitable  
4 for parole here today. And that this Panel  
5 should set a date for his parole. I'll submit  
6 it.

7 **PRESIDING COMMISSIONER ANGELE:** Just  
8 for the record, I wanted to make sure that --  
9 it indicates his proper age. He was 22 at the  
10 time of the crime.

11 **INMATE SIMS:** Yes, Sir.

12 **ATTORNEY SPARKS:** I'm sorry.

13 **PRESIDING COMMISSIONER ANGELE:** Not 18.  
14 Okay.

15 **ATTORNEY SPARKS:** That was something I  
16 must have misread from one of the reports.

17 **PRESIDING COMMISSIONER ANGELE:**  
18 Corrected.

19 **ATTORNEY SPARKS:** Thank you.

20 **PRESIDING COMMISSIONER ANGELE:** All  
21 right, Mr. Sims, now it's your turn to make a  
22 statement.

23 **INMATE SIMS:** First, I would like to  
24 say to the Deputy Commissioner, I made a list  
25 of all the persons I have harmed and became  
26 willing to make amends to them all.

27 **DEPUTY COMMISSIONER RODRIGUEZ:** There

1     you go.  You're absolutely right.  Thank you.

2                 **INMATE SIMS:**  I have never had a  
3     problem telling this Panel or anyone else who  
4     I was as a young man 23 years ago.  I was a  
5     young man who couldn't spell young.  I was a  
6     young man who didn't want to live.  I was a  
7     young man whose days begun with horse  
8     tranquilizers as my drug of choice.  And my  
9     days ended with horse tranquilizers.  Over the  
10    -- over the years, I've done a lot of personal  
11    inventories.  From the age four to the age 11,  
12    whereas I took my first drink, up until this  
13    very moment.  And through those inventories, I  
14    can tell this Panel or anyone else, when,  
15    where and how I got to this point in my life.  
16    I'm not saying this for sympathy, although I'm  
17    sure a little couldn't hurt.  I would just  
18    like for the Panel to know and understand that  
19    that young man of 23 years ago is not the man  
20    that sits before you today.  Unlike then,  
21    today I have a purpose.  Instead of being here  
22    -- instead of being out of my mind, sitting  
23    here, and not knowing that I'm here, I can  
24    honestly say that God has revealed to me my  
25    true purpose in life.  Which is to take my  
26    experience from as far as I can go back, up  
27    until this point, and be at my best in helping

1 others who find themselves in the same state  
2 of mind I was once in. I don't want to say  
3 this is my way of giving back to society,  
4 because that would be self-deception. I can  
5 never get back -- I can never give society  
6 back the life of Mr. Owens. Although, I wish  
7 I could. Today, I have a positive message in  
8 my heart that I hope to be able to deliver to  
9 others one day. So I ask the members of this  
10 Panel today to please realize that I no longer  
11 pose a threat to anyone in society, nor to  
12 myself, as I once did. Not by my actions of  
13 the past but by the -- but by this 24-year-  
14 older man that sits before you today. I was a  
15 low self-esteem, scared follower drug head who  
16 has fought a hard fight, under the  
17 circumstances, to understand who I am as an  
18 individual and as a man, in my role in  
19 society. I sit here before you today with my  
20 heart in my throat, praying and hoping that I  
21 receive a date today. I know that I can -- I  
22 know that I can and will be a positive  
23 addition to society. I don't have all the  
24 answers to the problems that youth of society  
25 face today, but I know, without a doubt, that  
26 God has given me a second chance and the  
27 insight to help. I honestly believe this is



1    why God didn't take my mind or my life.  And I  
2    thank God every day for blessing me with  
3    another chance and I humbly ask the members of  
4    this Panel to please give me one today.  There  
5    is one more matter that I would like to bring  
6    to the attention of the members of this Panel  
7    today.  I can only speak from my heart during  
8    this hearing.  That's all I have.  After going  
9    through my Board transcripts of last year, a  
10   statement was made to the point, that marriage  
11   and a stable place to live would take me away  
12   from gang activity and the temptation of  
13   gangs.  As I'm sure you know, I did get  
14   married.  And I do have a stable place to  
15   live.  However, that is not the reason why --  
16   that is not the reason I married my wife.  She  
17   has been in my life for over 28 years, through  
18   the blessings of God, and I'm thankful.  I  
19   became 46 years old last month.  I was 22  
20   years old when I came here.  I can't begin to  
21   understand why any man who has spent the last  
22   24 years of his life in prison would want to  
23   be a part of anything that has no meaning to  
24   it, other than a total negative.  I think that  
25   a person that has lost his freedom, under  
26   these circumstances, and still wants to be a  
27   part of somebody's gang would have to be in a

1 total state of self-destruction. As I have  
2 stated in the above, God has blessed me to no  
3 longer be in that state of mind. Yes, there  
4 are those who refuse to move on and see life  
5 in a world -- to see life in the world in a  
6 positive light over a negative light. But I  
7 believe that those individuals have not yet  
8 learned to stand on their own two feet and  
9 that's their choice. Just it is -- just as it  
10 is my choice to have no desire whatsoever to  
11 be in the company of anyone who is not working  
12 toward self respect, respect for others and  
13 self-improvement. And who is not striving to  
14 be a positive influence in other's lives, in  
15 the lives of others. Never, ever again, will  
16 I ever be a part of anybody's gang activity.  
17 Other than trying to let young kids know --  
18 other than -- excuse me. Other than trying to  
19 let young kids who are fascinated by it, know  
20 that it is a life destroying illusion. So  
21 with that, I say to this Panel, I'm not that  
22 46-year-old gang member. My conscience would  
23 never allow it. God has blessed me with the  
24 understanding and the ability to move on with  
25 my life and that's just what I've done, for  
26 the betterment of self and others insight. So  
27 please allow me another chance to reenter

1 society as a redefined person with a positive  
2 purpose. Thank you.

3 **PRESIDING COMMISSIONER ANGELE:** Thank  
4 you for your comments, Mr. Sims. We're going  
5 to recess for deliberations.

6 **R E C E S S**

7 **--oOo--**

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**CALIFORNIA BOARD OF PRISON TERMS****D E C I S I O N**

**DEPUTY COMMISSIONER JOHNSON:** We are back on record. All parties are present.

**PRESIDING COMMISSIONER ANGELE:** This is in the matter of Tony Sims. Mr. Sims, the Panel has relied on all the information received from the public and relied on the following circumstances in making our decision. And the decision is a tie decision. There are two individuals who vote on your decision and I, as one -- I am one. And Commissioner Rodriguez is the other. I voted for suitability and Mr. Rodriguez did not vote for suitability, which means that this case will then go to our full Board. And the full Board will make a determination of what happens, what the -- what happens to our decision today. Do you understand that?

**INMATE SIMS:** Yes, Sir.

**PRESIDING COMMISSIONER ANGELE:** So what we need to do is, I need to read into the record, number one, your suitability. And then Commissioner Rodriguez will tell you why he voted against you.

**INMATE SIMS:** Yes, Sir.

**TONY SIMS C-31090 DECISION PAGE 1 7/24/02**

1           **PRESIDING COMMISSIONER ANGELE:** All  
2 right. The prisoner, while imprisoned, has  
3 enhanced his ability to function within the law  
4 upon release, through participation in  
5 educational programs, self-help and therapy,  
6 vocational programs and institutional job  
7 assignments. The commitment of the crime was a  
8 result of stress in his life. Because of  
9 maturation, growth, greater understanding, and  
10 advanced age, he has reduced the probability of  
11 recidivism. He has realistic parole plans,  
12 which includes a standing job offer and family  
13 support. He has maintained close family ties  
14 while incarcerated via letters, visits, and  
15 telephone calls. He has recently maintained  
16 positive institutional behavior, which  
17 indicates significant improvement in self-  
18 control. He shows signs of remorse. He has  
19 indicated that he understands the nature and  
20 magnitude of the offense. And accepts  
21 responsibility for the criminal behavior and  
22 has a desire to change towards good  
23 relationships. The psychological evaluation,  
24 dated 7/13/99, by Joe Reed, R double E-D, is  
25 favorable in that the doctor states that if  
26 released to the community, his violence  
27 **TONY SIMS      C-31090      DECISION PAGE 2      7/24/02**

1 potential is considered to be well below  
2 average. It is also supported by Steven  
3 Terrini, T-E double R-I-N-I, on 3/21/98, where  
4 he states his violence potential is estimated  
5 to be -- considered to be low, relative to  
6 inmate population. The additional rationale,  
7 from my point, is that the inmate, although  
8 participating in an armed robbery that caused  
9 the death of an individual, was unarmed. The  
10 base life offense for which the prisoner has  
11 been convicted is murder, first degree. That's  
12 187 of the Penal Code. The offense occurred on  
13 2/27/79. The term is derived from the matrix  
14 located in CCR Title 15 at 2403(b), first-  
15 degree murder, offense committed on or after  
16 11/8/78. The Panel finds that Category III --  
17 C-III is appropriate, in that death resulted  
18 from severe trauma and inmate had no  
19 relationship with the victim. The Panel  
20 assesses 360 months for the base offense and  
21 notes that this is the middle term. Additional  
22 non-life commitments, or non-life occurrences  
23 -- offenses, excuse me, robbery, 211 of the  
24 Penal Code, same case number, count number  
25 eight. The case number 194636. One third of  
26 the mid determinate sentence of 20 months. We  
27 **TONY SIMS C-31090 DECISION PAGE 3 7/24/02**

1 have an armed -- or armed at the time of the  
2 offense, 12022(a) of the Penal Code, same case  
3 number, count number eight. The enhancement is  
4 four months. The base term is 360 months and  
5 the non-life terms are 24 months for a total of  
6 384 months. Post-conviction credit from  
7 5/29/81 to 7/24/02 is 56 months. Total period  
8 of confinement is 328 months. Special  
9 conditions of parole: Do not use alcoholic  
10 beverages. Submit to alcohol testing. Submit  
11 to anti-narcotic testing. Submit to THC  
12 testing. Participate in a substance abuse  
13 program, such as AA or NA. And attend Parole  
14 Outpatient Clinic. The reasons for the special  
15 conditions is that the inmate did abuse alcohol  
16 and narcotics and drugs. And that does  
17 conclude the reading of the decision.  
18 Comments, Commissioner Rodriguez?

19 **DEPUTY COMMISSIONER RODRIGUEZ:** Yeah, I  
20 wanted to say, well, first of all, Mr. Sims, I  
21 definitely want to say you're a model inmate.

22 **INMATE SIMS:** Thank you.

23 **DEPUTY COMMISSIONER RODRIGUEZ:** I don't  
24 want to take away what you have accomplished,  
25 because you have accomplished quite a bit. Two  
26 things concern me. You were, basically a

27 **TONY SIMS C-31090 DECISION PAGE 4 7/24/02**

1 childhood friend of Mr. Williams. You said 14  
2 or 16 years old. And like I said, you made a  
3 personal choice to continue that friendship.  
4 The other thing is, you weren't a teenager when  
5 this commitment offense occurred. You were 22  
6 years old. You were an adult. You made a  
7 personal choice after the murder to leave. And  
8 I still feel, you know, that you could have  
9 left at the very beginning. I think what you  
10 were leading to is, he probably would have beat  
11 you up pretty bad. Right?

12 **INMATE SIMS:** If not killed me, yes.

13 **DEPUTY COMMISSIONER RODRIGUEZ:** If not  
14 killed you, but he could have done that too  
15 after you left.

16 **INMATE SIMS:** Yes, Sir.

17 **DEPUTY COMMISSIONER RODRIGUEZ:** Had you  
18 chose to leave and you walked away. Also, in a  
19 -- just briefly, in a psychological report back  
20 on 11/16/90, completed at Tehachapi, this was  
21 by Dr. F. A. -- I can't pronounce this but I'm  
22 going to spell it, M-A-T-Y-C-H-O-W-I-A-K. He's  
23 a Psychiatric Consultant. And this can be  
24 interpreted a few ways. He says, he, which is  
25 synonymous with you, inmate Sims, essentially  
26 indicates that he was willing -- was willingly

27 **TONY SIMS C-31090 DECISION PAGE 5 7/24/02**



1 going along with the robbery but did not intend  
2 and did not cause the murder that followed.  
3 And basically, for those reasons, I still have  
4 some concerns and doubt about what actually  
5 happened. And what your place actually --  
6 position was in the robbery. And therefore,  
7 like I said, I don't feel you're ready for  
8 parole today.

9 **INMATE SIMS:** Yes, Sir.

10 **DEPUTY COMMISSIONER RODRIGUEZ:** End of  
11 statement.

12 **PRESIDING COMMISSIONER ANGELE:**  
13 Comments?

14 **DEPUTY COMMISSIONER JOHNSON:** For the  
15 record, I'd like to note that although I was  
16 present and observed the hearing, I did not  
17 vote. My purpose here was for training.

18 **PRESIDING COMMISSIONER ANGELE:** Thank  
19 you. I would like to address one thing that  
20 Commissioner Rodriguez brought up. The 1990  
21 psychological evaluation where the psychologist  
22 makes the statement that something essentially  
23 indicates, those two words alone, it tells me  
24 that he is not using the words of the inmate.  
25 He is stating that he believes that whatever  
26 the inmate told him indicates those words.

27 **TONY SIMS C-31090 DECISION PAGE 6 7/24/02**

1 That's what that essentially indicates means to  
2 me. Anyway, I just feel, based upon -- and I  
3 remember you from last year.

4 **INMATE SIMS:** Yes, Sir.

5 **PRESIDING COMMISSIONER ANGELE:** And  
6 understand, I don't have any qualms at all  
7 about saying no this year when I said yes last  
8 year.

9 **INMATE SIMS:** Yes, Sir.

10 **PRESIDING COMMISSIONER ANGELE:** But you  
11 still came across the same way. And I just  
12 believe, particularly, that you weren't the  
13 shooter and the support you have and what  
14 you've done while in custody, I believe you've  
15 earned yourself a chance. You've got time to  
16 serve yet.

17 **INMATE SIMS:** Yes, Sir.

18 **PRESIDING COMMISSIONER ANGELE:** You  
19 understand that?

20 **INMATE SIMS:** Yes, Sir.

21 **PRESIDING COMMISSIONER ANGELE:** But at  
22 least you have a date and we'll see what  
23 happens with that. That does conclude the  
24 hearing.

25 **INMATE SIMS:** Okay. Thank you.

26 **PRESIDING COMMISSIONER ANGELE:** At about

27 **TONY SIMS C-31090 DECISION PAGE 7 7/24/02**

1 3:55.

2 INMATE SIMS: Have a nice day.

3 PRESIDING COMMISSIONER ANGELE: Good

4 luck to you, sir.

5 INMATE SIMS: Okay.

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25 HELD OVER FOR EN BANC HEARING

26 EFFECTIVE DATE OF THIS DECISION Sept. 13, 2002

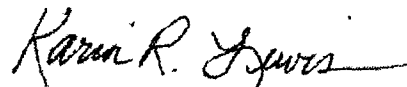
27 TONY SIMS C-31090 DECISION PAGE 8 7/24/02

**CERTIFICATE AND  
DECLARATION OF TRANSCRIBER**

I, KARIN R. LEWIS, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 64, and which recording was duly recorded at the CORRECTIONAL TRAINING FACILITY, at SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of TONY SIMS, CDC No. C-31090, on JULY 24<sup>th</sup>, 2002, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated August 5<sup>th</sup>, 2002, at Sacramento County, California.



Karin R. Lewis  
Transcriber  
**CAPITOL ELECTRONIC REPORTING**